

RECORD OF PROCEEDINGS
COLORADO STATE BOARD OF VETERINARY MEDICINE
PUBLIC MINUTES
February 4, 2010

Notice of this meeting was published at www.dora.state.co.us/veterinarians/publicnotices.htm, at least 7 days in advance of the meeting date.

I. CONVENE

The Open Session of the meeting for the Colorado State Board of Veterinary Medicine was convened at One Civic Center Plaza, 1560 Broadway, Suite 1250 C, Denver, Colorado 80202, at 8:33 a.m. by Michael Gotchey, DVM, Board President.

In addition to Dr. Gotchey were Board members:

Richard Leone, DVM, Board Vice-President
Joni Edwards, DVM, Board Secretary
Kim Stone, DVM, Professional Member
Kristin Woestehoff, DVM, Professional Member
Stacy Worthington, Public Member

Staff:

Maulid Miskell, Program Director
Leanne Clasen, Program Manager
Carrie Kronberg, Administrative Assistant
Rita Quinn, Assistant Attorney General
Abigail Gaskins, Compliance Monitor
Leslii Lewis, Office of Expedited Settlement
Martha Mesch, Office of Investigations
David Sexton, Office of Investigations
Les Roberts, Office of Investigations

II. APPROVAL OF MINUTES

A motion was made, seconded, and carried to approve the December 17, 2009 meeting minutes.

III. REPORTS

• Report from the Program Director, Maulid Miskell.

Mr. Miskell apprised the Board regarding preparation for the Colorado State University (CSU) presentation and the need to solicit exhibits for the presentation.

Mr. Miskell reminded the Board of their statutory authority and necessary protocol to issue Confidential Letters of Concern.

Mr. Miskell introduced Carrie Kronberg, who is supporting the Veterinary Board while Rosemary Baker is out of the office.

• Report from the Board President, Michael Gotchey, DVM.

Dr. Gotchey cautioned if any Board members are approached regarding a complaint, they should refer the complainant directly to Board staff. In the event this occurs, the Board member should forward any documentation received to Board staff.

IV. CONTINUING EDUCATION

• **Continuing Education – Joni Edwards, DVM, Board Secretary**

The bi-monthly requests were reviewed in advance by Dr. Edwards. A motion was made, seconded, and carried to approve all continuing education requests as submitted with the exception of the following request:

A motion was made, seconded, and carried to approve only 29.5 hours requested by Peggy Shandy Lane on behalf of the Central Veterinary Conference. The Board denied two hours of the continuing education credit requested for visiting the exhibit hall.

V. OPEN FORUM

Ralph Johnson, Executive Director, CVMA advised the Board of the outcome of the CDPHE Rabies Hearing conducted on January 19, 2010. The adopted proposal will be effective March 1, 2010, and will allow veterinarians to waive rabies vaccinations based on medical conditions.

Denise Mikita from CACVT provided an update on the Veterinary Technician National Examination. The exam is transitioning to a computer-based format. By 2011, a requirement to sit for the exam will be graduation from an AVMA-accredited program. Examinees will have 3 opportunities to sit for the test each year, in July-August, November-December, and February-March.

VI. NEW BUSINESS

• **Memorandum regarding Meeting Notices.**

A motion was made, seconded and carried to approve.

• **Memorandum regarding NBVME Specific Exams.**

Board noted.

• **Letter regarding AAVSB Bylaws and Resolutions.**

Board noted.

• **Letter from Warren Deal, DVM.**

Board noted.

VII. OLD BUSINESS

• **Memorandum regarding the American Association of Rehabilitation Veterinarians and the American Physical Therapy Association. (Tabled from the December 17, 2009 Board meeting.)**
Board noted.

• **Memorandum regarding Shelter Animal Medications (Tabled from the December 17, 2009 Board meeting.)**

The Board requested that staff respond and direct them to current Rules and Statutes.

VIII. LICENSING

- **Memorandum regarding newly licensed Veterinarians. (Consent Item)**

A motion was made, seconded, and carried to approve all newly licensed Veterinarians either by exam or endorsement.

- **Memorandum regarding reinstatement for David Burnett, DVM #7375**

After careful consideration of the information provided, a motion was made, seconded, and carried to reinstate his license. Dr. Burnett's current Continuing Education (CE) was applied to his reinstatement thus he is required to complete an additional 32 hours of CE for the current renewal cycle.

- **Memorandum regarding reinstatement for Cynthia Brooks, DVM #4983**

After careful consideration of the information provided, a motion was made, seconded, and carried to approve reinstatement of her license. The Board accepts Dr. Brooks' current active licensure status, in another state, absent of disciplinary history, in lieu of the Colorado CE requirement.

Yes Applications

- **Memorandum regarding reinstatement for Philip Ensley, DVM.**

A motion was made, seconded, and carried to approve reinstatement.

- **Memorandum regarding reinstatement for Darlene Berkovitz, DVM.**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

- **Memorandum regarding reinstatement for Enry Da Silva, DVM.**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

- **Memorandum regarding licensure by endorsement for Robert Hicks, DVM.**

After careful consideration of the information provided, a motion was made, seconded, and carried by a vote of 3-2 to deny licensure.

IX. INITIAL REVIEW

<u>AGENDA ITEM #1</u>	<u>Steven Dugan, DVM #5584</u>	<u>Case #2010-1834</u>
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Dr. Stone recused himself from the discussion, the vote, and exited the room. After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

<u>AGENDA ITEM #2</u>	<u>Susan Gravlin, DVM #8982</u>	<u>Case #2010-1619</u>
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After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case without merit. Ms. Worthington opposed.

<u>AGENDA ITEM #3</u>	<u>Mark Kombert, DVM #7024</u>	<u>Case #2010-1455</u>
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After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

AGENDA ITEM #4 **Della Garelle, DVM #6105** **Case #2010-1456**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

AGENDA ITEM #5 **Gerald Koster, DVM #3563** **Case #2010-1621**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table pending further information. The Board ordered to initiate complaints against Jonathan Hall, DVM, Case #2010-002916 and Joel Stone, DVM, Case #2010-002917.

AGENDA ITEM #6 **Ronald Altman, DVM #8633** **Case #2010-1833**

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case without merit.

AGENDA ITEM #7 **Douglas Murphy, DVM #6629** **Case #2010-1767**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

AGENDA ITEM #8 **Jessica Quimby, AV #95** **Case #2010-1837**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

AGENDA ITEM #9 **Katharine Lunn, AV #36** **Case #2010-1838**

The Board noted that the record incorrectly identified the respondent as David Lunn, AV rather than Katharine Lunn, AV. A motion was made, seconded, and carried to correct the record.

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case without merit.

AGENDA ITEM #10 **James Wright, DVM #2400** **Case #2010-1889**

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

AGENDA ITEM #11 **Stacy Bluhm, DVM #7684** **Case #2010-1918**

After careful consideration of the information provided, a motion was made, seconded, and carried to dismiss the case without merit.

X. TABLED

Eugene Griffin, DVM #4033 **Case #2010-0852**

After careful consideration of the information provided, a motion was made, seconded, and carried to table pending further information on the package and instructions provided with the Clear Wax product.

Sheryl Scolnick, DVM #5574 **Case #2010-0853**

After careful consideration of the information provided, a motion was made, seconded, and carried to table pending further information on the package and instructions provided with the Clear Wax product.

XI. OFFICE OF INVESTIGATIONS

Shawn Kelley, Unlicensed

Case #2009-4004

After careful consideration of the information provided, a motion was made, seconded, and carried to issue a Cease and Desist order to Mr. Kelley. A second motion was made, seconded, and carried to open a complaint against Mark Henderson, unlicensed, 2010-003485 and refer to the Office of Investigations.

Joanna Hyland, DVM #8518

Case #2009-2152

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action. Upon returning to Open Session, a motion was made, seconded, and carried to table pending further information. The Board ordered to initiate complaints against Scott Campbell, unlicensed, 2010-003497; Jennifer Tremblay, DVM #8279, 2010-003496; Cheryl Nolan, unlicensed, 2010-003495; Lisa Killian, DVM #7781, 2010-003494; David Dilmore, DVM #7811, 2010-003493; Robert Lester, unlicensed, 2010-003492; Ashley Harris, unlicensed, 2010-003491; Aimee Gereaux, unlicensed, 2010-003490; Kim Frye, unlicensed, 2010-003489; Ari Zabell, unlicensed, 2010-003488; Karen Faunt, DVM #5846, 2010-003487.

Monte Gulzow, DVM #4324

Case #2010-0588

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action.

Steven Weiser, Unlicensed

Case #2010-1597

After careful consideration of the information provided, a motion was made, seconded, and carried to refer to Executive Session for possible disciplinary action. After careful consideration of the information provided, a motion was made, seconded, and carried to **refer to the Attorney General to issue a Cease and Desist order.**

XII. STIPULATIONS

• Open Stipulations Report

January 12, 2010

Board Noted.

• Norman Laber, DVM #1748

Case # 2008-3683

Memo #1

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the September 15, 2009, and October 27, 2009, Practice Monitor Reports.

• Norman Laber, DVM #1748

Case # 2008-3683

Memo #2

After careful consideration of the information provided, a motion was made, seconded, and carried to accept the December 22, 2009, Practice Monitor Report.

• James Neumann, DVM #5631

Case # 2009-0891

After careful consideration of the information provided, a motion was made, seconded, and carried to grant termination from probation.

XIII. ADJOURNMENT - OPEN SESSION

Michael Gotchey, DVM, Board chair, moved on February 4, 2010, at 1:12 p.m. that the Board of Veterinary Medicine enter into Executive Session for the purpose of discussing with counsel disputes that are the subject of pending or imminent court action, discussing specific claims or grievances, and receiving legal advice on specific legal questions, pursuant to Colorado Revised Statutes section 24-6-402 (3) (a) (II), including:

- ☐ The legal basis for potential disciplinary action, and, where warranted, recommended settlement guidance for matters discussed in open session today and referred to executive session.
 - Darlene Berkovitz, DVM
 - Enry Da Silva, DVM
 - Steven Dugan, DVM
 - Mark Kombert, DVM
 - Della Garelle, DVM
 - Gerald Koster, DVM
 - Douglas Murphy, DVM
 - Jessica Quimby, AV
 - James Wright, DVM
 - Joanna Hyland, DVM
 - Monte Gulzow, DVM
 - Steven Weiser, Unlicensed
- ☐ Settlement, counteroffers and other legal questions pertaining to open cases referred to the Expedited Settlement Program, including the case status report.
 - Joseph Evans, DVM
 - Russell Drabek, DVM
 - Janele Kubacki, DVM
 - David Luck, DVM
 - William Hancock, DVM
- ☐ Counteroffers, settlement issues and other legal questions pertaining to cases with the Attorney General's Office, including the case status report.
 - Joel Akin, DVM
 - Cynthia Kryjak, DVM
 - Kenneth Larson, DVM
 - Joan Murnane, DVM
 - William Schroeder, DVM
 - Henry Wasserburger, DVM

XIV. ADJOURNMENT FROM EXECUTIVE SESSION

Open session of the meeting for the Board of Veterinary Medicine adjourned at 1:12 p.m. The Board then entered into Executive Session and reconvened in Open Session at 3:44 p.m. The final meeting adjournment was at 3:51 p.m. The Board will reconvene on Thursday, April 8, 2010, at One Civic Center Plaza, Room 1250 C, Denver, CO 80202, at approximately 8:30 a.m.

Attestation:

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as Board Chair, I attest that the Executive Session of the Colorado State Board of Veterinary Medicine meeting held on October 8, 2009 was confined to the topics authorized for discussion pursuant to § 24-6-402(3)(a)(II), (III), and (IV), C.R.S.

Approved by _____ Signed by Michael Gotchey, DVM _____ April 8, 2010
Board President Date

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as counsel for the Board, I attest that it is my opinion that all matters discussed during the Executive Session of the Colorado State Board of Veterinary Medicine meeting held on October 8, 2009 constituted attorney-client communications and the contents of attorney-client discussions are not reflected within these minutes.

Approved by _____ Signed by Rita Quinn _____ April 8, 2010
Assistant Attorney General Date